

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JASON LEE VAN DYKE
Plaintiff

v.

THOMAS CHRISTOPHER RETZLAFF
a/k/a Dean Anderson d/b/a BV Files, Via
View Files L.L.C., and ViaView Files
Defendant

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Case No. 1:20-mc-00657-LY

MOTION TO STIKE

Plaintiff, Jason Lee Van Dyke, asks this Court to enter an order striking the “Emergency Notice of Deprivation of Due Process by Failure to Service” (ECF 11) filed by Thomas Christopher Retzlaff in the above-numbered and styled case.

1. The nature of this proceeding is a motion filed by James McGibney to quash a subpoena issued to him by Defendant, by and through Defendant’s counsel, Jeffrey Dorrell, for a deposition of James McGibney.
2. On information and belief, both Mr. McGibney and the United States of America conferred with Mr. Retzlaff’s attorney in the underlying proceeding, Jeffrey Dorrell, prior to filing their respective motions to quash in this proceeding.
3. Mr. Retzlaff, inexplicably electing to act as a pro se in a proceeding relating to a case in which he is represented by counsel, has elected to file a lengthy, inappropriate, and highly incendiary letter dedicated mostly to making attacks of a personal nature against Plaintiff, Mr. McGibney, and others.
4. All, or substantially all, of the material contained in Mr. Retzlaff’s filing is redundant, immaterial, impertinent, or scandalous on its face. Plaintiff moves to strike this filing

pursuant to Rule 12(f) of the Federal Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Honorable Court grant this motion and enter an order striking the “Emergency Notice of Deprivation of Due Process by Failure to Service” filed by Thomas Christopher Retzlaff (ECF 11).

Respectfully submitted,

/s/ Jason Lee Van Dyke

Jason L. Van Dyke

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CERTIFICATE OF CONFERENCE

I certify that, on June 29, 2020 I conferred with Thomas Christopher Retzlaff concerning the relief requested. He stated to me that he is opposed to the relief requested. Accordingly, this matter is submitted to the Court for determination.

/s/ Jason Lee Van Dyke

JASON LEE VAN DYKE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on Thomas Christopher Retzlaff.

/s/ Jason Lee Van Dyke

JASON LEE VAN DYKE